

# Application for Change/Transfer of a Water Right

Form No. ECY 040-1-97 (Rev 05-2020)



- We strongly encourage applicants to seek pre-application consultation prior to applying.
- Refer to accompanying guidance to complete this form.
- Incomplete applications will be returned.
- All fees are non-refundable (RCW 90.03.470(13)).

## Processing option you are choosing:

<input type="checkbox"/> <b>Standard Processing</b> (Department of Ecology)	<input type="checkbox"/> <b>Cost Reimbursement Processing</b> (Ecology Contractor)	<input checked="" type="checkbox"/> <b>County Water Conservancy Board Processing</b> (not available in all counties)
A minimum \$50 fee is required to apply. Additional fees may apply. Drought applications are exempt.	Contact Department of Ecology to obtain information on fees for this option.	Fees charged by boards vary. Consult with the appropriate board to determine the fee.

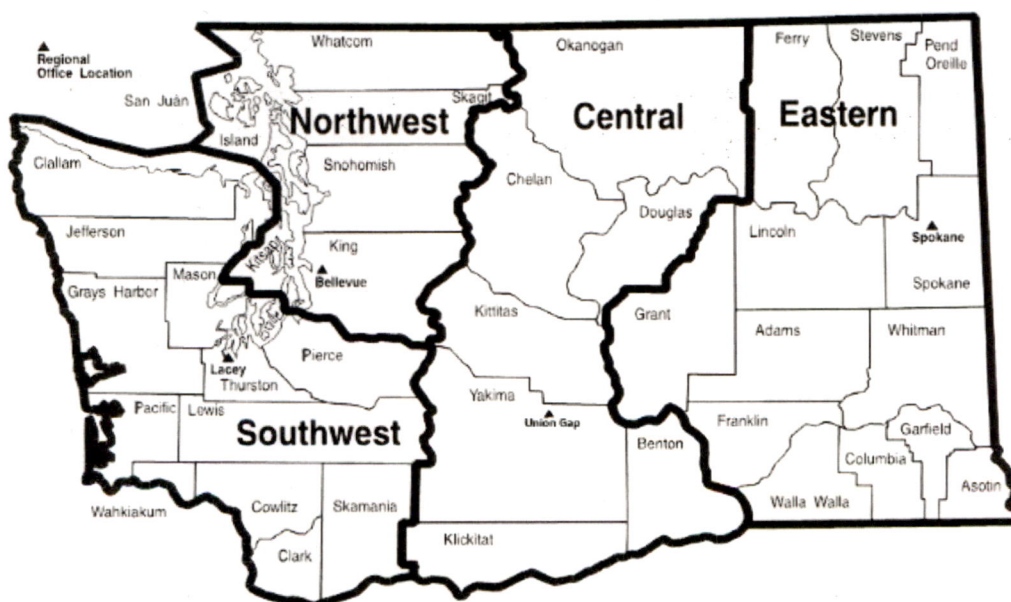
## Where to mail your application:

Submit all applications for Department of Ecology and Cost Reimbursement processing to the Ecology's Cashiering Section address below. County Water Conservancy Board applications should be submitted directly to the appropriate board, if one exists.

DEPARTMENT OF ECOLOGY  
CASHIERING SECTION  
PO BOX 47611  
OLYMPIA, WA 98504-7611

Check the box for the region where your project is located.

- ☒ Central Region  
☐ Eastern Region  
☐ Northwest Region  
☐ Office of Columbia River (OCR)\*  
☐ Southwest Region



\* OCR has jurisdiction for designated OCR projects, and new projects located within one mile of the Columbia River.

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.



# WATER RESOURCES PROGRAM

## Application for Change/Transfer of a Water Right

For Ecology Use  
**RECEIVED**  
(Date Stamp)  
**SEP 28 2023**  
Dept of Ecology  
Central Regional Office

A minimum filing fee of \$50.00 is required for most applications. Additional fees may be required.

I am applying to (check all that apply):

- ☒ Change purpose(s) of use
  - ☐ Add purpose(s) of use or acres
  - ☒ Change/transfer place of use
  - ☐ Change point(s) of diversion/withdrawal
  - ☐ Add point(s) of diversion/withdrawal
  - ☐ Add or modify period of use
  - ☒ Other (i.e., consolidation, intertie, trust water)
- Describe: Place Water Right in TWRP for instream flow and mitigation in Reecer Creek

No filing fee is required for applications for:

- ☐ Drought
- ☐ Cost Reimbursement Processing
- ☒ Water Conservancy Board Processing

County: Kittitas

### FOR OFFICIAL USE ONLY

DATE APPLICATION RECEIVED  
CHECK NO. FEE \$  
DATE ACCEPTED 9/19/23 BY  
CHANGE NO. LTT-2308  
COUNTY KITTITAS WRIA  
SPECIAL AREA  
SEPA: ☐ EXEMPT ☐ NOT EXEMPT  
ECY CODING: 001-002-WR10285-000011  
DOC ID NO: \_\_\_\_\_  
APP NO. PERMIT NO.  
CERT NO. CERT OF CHG NO.

Date of pre-application consultation with Ecology: 7/27/2022

Ecology staff contact: Noah Wentzel

## 1. Water Right Information

WATER RIGHT OR CLAIM NUMBER Yakima Adj. Court Claim No. 00576 (S4-83608-J)		RECORDED NAME(S) Duke and Dude, LLC
HAS THE WATER BEEN USED AS DESCRIBED ON YOUR WATER RIGHT DOCUMENT IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
WATER RIGHT OWNER Kittitas County	PHONE NO.	ALT PHONE NO.
ADDRESS 411 North Ruby, Suite 1		
CITY Ellensburg	STATE WA	ZIP CODE 98926
EMAIL ADDRESS (IF AVAILABLE)		

## 2. Applicant Information

APPLICANT/BUSINESS NAME Arden Thomas, Kittitas County	PHONE NO. 509-962-7690	ALT PHONE NO.
ADDRESS 411 North Ruby, Suite 1		
CITY Ellensburg	STATE WA	ZIP CODE 98926
EMAIL ADDRESS (IF AVAILABLE) arden.thomas@co.kittitas.wa.us		



CONTACT (IF DIFFERENT FROM ABOVE) Tyson D Carlson	PHONE NO. 509-895-5923	ALT PHONE NO. 206-696-1525
ADDRESS 1106 N 35th Ave		
CITY Yakima	STATE WA	ZIP CODE 98902
EMAIL ADDRESS (IF AVAILABLE) tcarlson@aspectconsulting.com		

**RECEIVED**

SEP 28 2023

Dept of Ecology  
Central Regional Office

### 3. Purpose(s) and Period of Use

#### A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation of 56 acres	4.33	1,075.2	April 1 to October 15
Stockwater	0.03	3	February 1 to November 30

#### B. Proposed (if different from 3A)

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Instream Flow for Mitigation	4.36	1078.2	April 1 to October 31

### 4A. Existing Locations of Point(s) of Diversion or Withdrawal

Describe your existing water use in Section 4A: source description, and either surface water or groundwater. Describe your proposed water use in Section 4B: source description, and either surface water or groundwater. Refer to accompanying guidance document for more information. Attach additional sheets if needed.

Source Name	Source Location Information (Legal Description)					
SOURCE NAME (Reference by number below)	QTR QTR	QTR	SEC	TWP	RGE	PARCEL NO.
1. Reecer Creek (Figure 1)	SE	NE	28	18 N	18 E	621033
2.						
3.						
4.						

Complete one of the following tables: A) for surface water, or B) for groundwater

#### A) For existing surface water diversions

<input type="checkbox"/> SPRING <input checked="" type="checkbox"/> CREEK <input type="checkbox"/> RIVER <input type="checkbox"/> LAKE <input type="checkbox"/> OTHER:		
SOURCE from 4A above	TRIBUTARY TO:	GPS/ LAT-LONG
1.	Yakima River	47.023672°, -120.586649°
2.		
3.		
4.		

DO YOU OWN THE POINT(S) OF DIVERSION? ☐ YES ☒ NO

**B) For existing groundwater diversions**

WITHDRAWAL DEVICE: <input type="checkbox"/> WELL <input type="checkbox"/> OTHER: N/A			
EXISTING WELL: <input type="checkbox"/> YES <input type="checkbox"/> NO N/A			
SOURCE from 4A above	WELL NO.	WELL TAG NO.	GPS/ LAT-LONG
1.	N/A	N/A	N/A
2.			
3.			
4.			

DO YOU OWN THE POINT(S) OF WITHDRAWAL? ☐ YES ☐ NO**4B. Proposed Point(s) of Diversion or Withdrawal**

Source Name	Source Location Information					
SOURCE NAME (Reference by number below)	QTR QTR	QTR	SEC	TWP	RGE	PARCEL NO.
1. Reecer Creek (Figure 1)						
2.						
3.						
4.						

Complete one of the following tables: A) for surface water, or B) for groundwater

**A) For proposed surface water diversions**

<input type="checkbox"/> SPRING <input type="checkbox"/> CREEK <input checked="" type="checkbox"/> RIVER <input type="checkbox"/> LAKE <input type="checkbox"/> OTHER:		
SOURCE from 4B above	TRIBUTARY TO:	GPS/ LAT-LONG
1.	Instream Flow - Reecer Creek and Yakima River	47.023672°, -120.586649°
2.		
3.		
4.		

DO YOU OWN THE POINT(S) OF DIVERSION? ☐ YES ☒ NO**B) For proposed groundwater diversions**

WITHDRAWAL DEVICE: <input type="checkbox"/> WELL <input type="checkbox"/> OTHER: N/A			
EXISTING WELL: <input type="checkbox"/> YES <input type="checkbox"/> NO N/A			
SOURCE from 4B above	WELL NO.	WELL TAG NO.	GPS/ LAT-LONG
1.	N/A	N/A	N/A
2.			
3.			
4.			

DO YOU OWN THE POINT(S) OF WITHDRAWAL? ☐ YES ☐ NO



## 5. Place of Use

RECEIVED

SEP 28 2023

### A. Existing

QTR QTR	QTR	SEC	TWP	RGE	COUNTY	PARCEL #	# OF IRRIGATED ACRES
		28	18 N	18 E	Kittitas County	961884, 961885 & 931736	56
LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
The portion of the SW1/4 SE1/4 of Section 28, T. 18 N., R. 18 E.W.M. lying southwesterly of the Burlington Northern Railroad right-of-way and that portion of the NW1/4 SE1/4 of said section describes as follows: Commencing at the southwest corner of said NW1/4 SE1/4; thence east 300 feet, more or less, to the point beginning; thence east 850 feet, more or less, to the Burlington Northern Railroad right-of-way thence northwesterly 1,030 feet, more or less, along said right-of-way; thence southwesterly 720 feet, more or less, to the point of beginning; and that portion of the SE1/4 SW1/4 of said section lying east of Desmond Rd.							
LEGAL LAND OWNER OF <u>EXISTING</u> PLACE OF USE (IF DIFFERENT THAN APPLICANT)						PHONE NO.	ALT PHONE NO.
Same							
ADDRESS							
CITY						STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)							

### B. Proposed (if different than 5.A)

QTR QTR	QTR	SEC	TWP	RGE	COUNTY	PARCEL #	# OF IRRIGATED ACRES
SE	NE	28	18 N	18 E	Kittitas	N/A	N/A
LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
Instream in Reecer Creek from existing point of diversion, downstream along the Yakima River to the confluence with the Columbia River, then downstream to the Pacific Ocean.							
LEGAL LAND OWNER OF <u>PROPOSED</u> PLACE OF USE (IF DIFFERENT THAN APPLICANT)						PHONE NO.	ALT PHONE NO.
N/A							
ADDRESS							
CITY						STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)							



All applicants must also complete Sections 6 through 11, **except** drought and Quincy Basin Artificially Stored Groundwater applications (see below).

If you do not have the required information, make an appointment with your Ecology regional office to discuss your application. Applications submitted without the required information will be returned as incomplete.

- If your water right change would impair an existing right, complete Section 6 through 11, and Attachment A, **mitigation plan**. Changes to water rights that will impair an existing right will be denied unless a mitigation plan is approved.
- If you are applying to **consolidate permit-exempt wells**, complete Sections 6 through 11, and Attachment B.
- If you are applying for a change related to the **Quincy Basin Artificially Stored Groundwater**, stop here. Complete only Sections 7 & 11, and continue with Attachment C.
- If you are applying for a change related to **drought**, stop here. Complete only Section 11, and continue with Attachment D.

## 6. Project Description

(Provide your answers in a separate report, and reference the section number in your responses)

Section	Required information	Reference(s)
6.1	Provide a brief narrative explaining the general nature and intent of the proposed change(s) to the water right.	
6.2	Are you aware of any compliance/enforcement actions that concern this water right? If so, describe.	
6.3	If this water right has previously been changed, summarize whether the previously authorized changes have been completed.	
6.4	If the water right includes a diversion from a permitted reservoir, list all the associated water rights, the maximum volume of water stored in the reservoir, and the means of withdrawal.	
6.5	Attach a copy of any SEPA checklists or environmental analyses related to this project with this application.	
6.6	<b><u>For period of use change proposals</u></b> , indicate the time of the year that the water use is proposed.	POL 1200
6.7	<b><u>For temporary change proposals</u></b> , indicate the timeframe that the proposed change would be in effect.	POL 1035
6.8	<b><u>For municipal change proposals</u></b> , provide the most recent water right self-assessment, if one exists, as submitted to the Department of Health (DOH).	



SEP 28 2023

Dept of Ecology  
Central Regional Office

## SYSTEM DESIGN AND OPERATION

Section	Required information	Reference(s)
6.9	Provide a description of the existing water supply system from the point of diversion or withdrawal to the place of use.	
6.10	Provide preliminary design plans and specifications for the proposed change, including diversion or withdrawal and conveyance facilities, if applicable, and the proposed flow rate and volume design capacity.	
6.11	<b><u>For change proposals adding a purpose of use or adding irrigated acres,</u></b> describe how the change proposal would affect return flow.	
6.12	Provide the current and projected system efficiency covered by the water right proposed for change.	
6.13	Provide an explanation of how the proposed use will not increase the authorized maximum flow rate (Qi) or annual volume (Qa).	PRO 1210 GUID 1210
6.14	<b><u>For surface water diversions,</u></b> describe how your plans comply with WDFW fish screening requirements.	RCW 77.57

## DEVELOPMENT SCHEDULE

Section	Required information	
6.15	Provide a general timeline that includes the steps needed to begin the project, complete the project, and put the water to full beneficial use.	
6.16	<b><u>For changes to water rights currently under a development schedule,</u></b> provide a description of the current status of your project.	
6.17	Identify and discuss other land-use or environmental permits required and the timeline to obtain those permits.	

## 7. Related Water Rights

Section	Required information	Reference(s)
7.1	List any other water rights (applications, permits, certificates, or claims) related to this change application. Include any rights that overlap the place of use.	
7.2	Explain how the water rights listed above have been exercised.	
7.3	List all wells that have been added through a Showing of Compliance form.	POL 1260 ECY 040-74

## 8. Historical Use

Section	Required information	
8.1	Describe how the water proposed for change has been beneficially used since the water right was established.	



Section	Required information	
8.2	For the water right proposed for change and the portfolio of any related rights, provide the historical flow rate from each point of diversion or withdrawal (in cubic feet per second or gallons per minute) and explain how the amount was determined (e.g., meter data or power records). Include information on how the water right was used historically, and how it is being used currently.	
8.3	If the requested change/transfer is for a water right claim, include evidence demonstrating use of water prior to 1917 for surface water, or 1945 for ground water.	
8.4	<b><u>For surface water diversions</u></b> , explain whether streamflows were adequate to exercise the right throughout the historical period of diversion. If available, provide streamflow records to support the conclusion.	
8.5	<b><u>For groundwater withdrawals</u></b> , explain whether there has been an adequate supply of groundwater to exercise the water right throughout the historical period of withdrawal. Provide all groundwater data and methods used to support the conclusion.	
8.6	Describe your procedures for remaining in compliance with the provisions of your existing water right.	
8.7	If a water measuring device was installed, provide your measurement data.	
8.8	If a measuring device was not installed, do the pumps have a dedicated power meter(s)? If so, provide an estimate of water use using the power consumption to water consumption equation described in WAC 173-173-160(2).	
8.9	If no water use data are available, estimate annual use by using an alternative method and explain your methodology.	
8.10	Provide aerial photos, remotely sensed images, or other information and explain how they support the historical use.	

## WATER USED FOR IRRIGATION

Section	Required information	Reference(s)
8.11	<b><u>If changing the purpose of use</u></b> , refer to the Provisions section of your water right document to determine whether the right is subject to the Family Farm Water Act. If so, contact the appropriate Ecology regional office prior to completing this form (refer to map on page 1).	RCW 90.66
8.12	Describe your irrigation scheduling practices (e.g., frequency and duration of irrigation sets). Describe how data from soil moisture probes, weather forecasts, crop inspection, or other irrigation scheduling techniques were used to determine irrigation practices.	
8.13	If adding the irrigation of additional acres or a new purpose of use, provide metering data for the most recent five-year period of continuous use. If metering data are unavailable, provide an estimate of water use for the most recent five-year period of continuous use and describe the methodology for this estimate.	POL 1210 GUID 1210 RCW 90.03.380



Section	Required information	Reference(s)
8.14	If water has been used from a state or federal water project (contract water) on the historical place of use, explain when and how that contract water was used.	

RECEIVED

SEP 28 2023

## 9. Hydrogeologic Setting

We strongly recommend that applicants consult with Ecology in a pre-application meeting prior to conducting any hydrogeologic work, to determine the scope of data required for processing this application.

Section	Required information	
9.1	Provide a description of existing authorized points of withdrawal and proposed wells, their locations, water well report, static water levels, pumping rates and schedules, etc.	
9.2	If known, describe: <ul style="list-style-type: none"> <li>• Geographic recharge and discharge areas</li> <li>• Seasonal variations of groundwater elevations</li> <li>• Interrelationships between surface water and groundwater, and between aquifers</li> <li>• Barriers to flow</li> <li>• Hydrologic boundaries</li> </ul>	
9.3	Attach any available well information including: <ul style="list-style-type: none"> <li>• Water well report</li> <li>• Well diameter and depth</li> <li>• Motor and pump specifications (i.e., make, horsepower, and type)</li> <li>• Pump test data</li> <li>• Well locations (must be identified as outlined in Section 11)</li> </ul>	
9.4	If known, describe the following characteristics of the aquifer, and cite the source of that information: <ul style="list-style-type: none"> <li>• Aquifer transmissivity</li> <li>• Aquifer storage coefficient and specific yield</li> <li>• Saturated thickness</li> <li>• Aquitard leakage</li> <li>• A detailed description of groundwater-flow boundaries</li> <li>• Water-level hydrographs for wells</li> <li>• Associated water-quality information</li> </ul>	
9.5	Additional hydrogeologic work may be required to process your application.	

## 10. Environmental Assessment

Section	Required information	
10.1	Describe the aquatic uses of any related surface water bodies (i.e., fish and wildlife, recreation and aesthetic, water quality, etc.).	



Section	Required information	
10.2	Indicate whether the related surface water is fish-bearing, including whether it is inhabited by salmonids. List species and the times of year they are present. <a href="https://apps.wdfw.wa.gov/salmonscape/">https://apps.wdfw.wa.gov/salmonscape/</a>	

## 11. Maps and Other Documentation

Section	Required information	
11.1	<p>Attach detailed map(s) clearly indicating the following:</p> <ul style="list-style-type: none"> <li>The existing places of use for all rights related to this proposed change. If any overlapping water rights for the place of use, or multiple rights that share the same point(s) of diversion/withdrawal exist, provide one map depicting all of the historical points of diversion, means of conveyance, and places of use. Identify related rights as such by water right number.</li> <li>The county parcel numbers for the existing and proposed place(s) of use, unless the place(s) of use are for large service area such as that served by an irrigation district or municipal water system. Identify the name of the irrigation district or the water system.</li> <li>The existing and proposed locations of the point(s) of diversion/withdrawal.</li> <li>The names, informal or formal, used to identify each point of diversion/withdrawal (e.g., Well No. 1, River Well, S01, Smith Dam, etc.).</li> <li>The proposed place(s) of use.</li> <li>A grid layer referencing Section, Township, and Range of the area.</li> <li>The location of the water delivery system and other such features relevant to your proposed change/transfer (e.g., mainlines, reservoirs, booster pumps, etc.)</li> </ul>	



Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact:

Department of Revenue  
Real Estate Excise Tax  
PO Box 47477  
Olympia, WA 98504-7477  
Phone (360) 570-3265

**RECEIVED**

SEP 28 2023

Dept of Ecology  
Central Regional Office

## 12. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I hereby grant staff from the Department of Ecology or the County Water Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.

Cory Wright - County Commissioner

Applicant Printed Name - Title

Applicant Signature

(Date: MM/DD/YYYY)

Cory Wright - County Commissioner

Water Right Holder Printed Name

Water Right Holder Signature

(Date: MM/DD/YYYY)

Cory Wright - County Commissioner

Landowner of Existing Place of Use  
Printed Name

Landowner of Existing Place of Use Signature

(Date: MM/DD/YYYY)

Landowner of Proposed Place of Use Printed  
Name

Landowner of Proposed Place of Use Signature

(Date: MM/DD/YYYY)

Authorized Representative  
Printed Name

Authorized Representative Signature

(Date: MM/DD/YYYY)

For additional information, contact the Ecology regional office where your project is located:

Region	Counties served	Mailing Address	Phone
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	3190 160th Ave SE Bellevue, WA 98008	425-649-7000
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300

### ADA Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.